

# MINUTES

## County Council Meeting

**September 16, 2013**

Spartanburg County Council met on Monday, September 16, 2013, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Michael Brown, O'Neal Mintz, David Britt, Jane Hall, Dale Culbreth, and Roger Nutt, Council Members; along with Katherine Hubbard, County Administrator; Jim Hipp, Deputy County Administrator; Lisa Claxton, County Attorney; John Harris, Senior Deputy County Attorney; and Ginny Dupont, Deputy County Attorney.

In compliance with the Freedom of Information Act, notice of this meeting was provided in advance to the local news media and other interested parties.

### I.

Chairman Horton called the meeting to order.

Invocation was rendered by Chaplain Jerry Clevenger. Honorable O'Neal Mintz led in reciting the Pledge of Allegiance.

### II.

- A. Motion made by Mr. Mintz to adopt a Resolution congratulating and recognizing Everett "Cotton" Owens for being inducted into the Nascar Hall of Fame. Motion seconded by Mr. Britt and carried. Mr. Owens' son and daughter, Donnie Owens and Debbie Davis, and family received Resolution. The name of the road in front of Mr. Owens' shop was changed from Glenn Drive to Cotton Owens Drive. Mr. Rick Chapman, NASCAR fan, was present to unveil the road sign.
- B. Motion made by Mr. Mintz to adopt a Resolution congratulating and recognizing Walter M. "Bud" Moore for being inducted into the American Motorsports Hall of Fame. Motion seconded by Mr. Britt and carried.

III.

Ms. Hubbard recognized Ms. Lisa Coleman, Procurement Director, for completing the South Carolina State Procurement Program. Ms. Sabrina Mason, Finance Director, was recognized for receiving the award Government Finance Officers Association's (GFOA) award for its Comprehensive Annual Financial Report for the twentieth year. This is the Certificate of Achievement for Excellence in Financial Reporting. Mr. Wyatt Shennan, Information Technologies, was recognized for his service in helping an Attorney in town with Skype and also in helping Family Court in conducting a trial by Skype. Mr. Mark Cash, Ms. Jonna Pantelis, Ms. Jessica Gilland, Information Technologies; and Mr. Earl Alexander, Interim Director, Assessor's Office, were recognized for successful implementation of the Assessor's Office portion of the Document Management project. Mr. Mark Cash, Ms. Jonna Pantelis, Ms. Jessica Gilland, Information Technologies; and Ms. Debbie Ziegler, Clerk to Council, were recognized for their efforts in adding the Council Agenda packet to the website. Mr. Mike Emory, Administrative Services Manager, was recognized for his help with the Coroner's Office. It is now easier for the public to identify the Coroner's Office, and it is more secure. Mr. Johnnie Lewis, Fleet Manager, was recognized for providing great service at the County Shop.

IV.

- A. Chairman Horton declared open a public hearing to consider an Ordinance consenting to an assignment by **NURRC, LLC** to **INTERNATIONAL RECYCLING GROUP (SPARTANBURG), LLC** of all rights and obligations under a fee in lieu of tax agreement between NURRC, LLC and Spartanburg County dated December 4, 2007, as amended on November 23, 2009; the provision of an infrastructure credit; and other matters related thereto. No one appeared, and the matter was closed.
- B. Chairman Horton declared open a public hearing to consider an Ordinance to amend Ordinance No. O-99-014, as amended, relating to the Joint County Industrial and Business Park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. (**FedEx Ground Package System, Inc.**) No one appeared, and the matter was closed.
- C. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by **John M. Brown** from dusk until 1:00 a.m. on October 4, 5, 11, 12, 18, 19, November 1, and 2, 2013; and from Dusk to 10:00 p.m. on October 13, 20, 24, 27, 30, and 31, 2013 for Nightmare Hollow Haunted Trail at 3411 Reidville Road. No one appeared, and the matter was closed.
- D. Chairman Horton declared open a public hearing to consider an Application for special Public Event Exclusion from the Noise Ordinance requested by **Timothy C. Jones** from 6:00 p.m. until 2:00 a.m. on October 4-6, 11-13, 18-20, 24 through November 3, 2013 for Wompus Woods, an Outdoor Haunted

Trail, at 231 Parris Road, Cowpens. Mr. Timothy Jones appeared and stated this is their seventh year at Wompus Woods, and he personally wanted to thank each Council Member for allowing them to continue this long and to work with young adults. They have had over 3,000 young adults involved with Wompus Woods. The matter was closed.

V.

**Economic Recruitment and Development Committee** – (Honorable David Britt, Chairman)

- A. Mr. David Shellhorse, EDFP, Economic Development Planner, Appalachian Council of Governments, presented information in reference to the Appalachian Region Comprehensive Economic Development Strategy (CEDS) Report. (The 2013 CEDS Update is included in backup.) Motion made by Mr. Britt to approve letter of support. Motion seconded by Mr. Brown and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement by and between Spartanburg County, South Carolina and **A.L. INDUSTRIES, INC.** with respect to certain economic development property in the County, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee in lieu of tax agreement between Spartanburg County, South Carolina and **Heiche US Surface Technology, LP**; and other matters relating thereto. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Britt to adopt a Resolution authorizing the execution and delivery of a Fee in Lieu of Tax and Incentive Agreement between Spartanburg County, South Carolina (the "County") and **Copac Global Packaging, Inc.**, acting for itself, one or more affiliates or other project sponsors (the "Company"), pursuant to which the County shall covenant to accept certain negotiated fees in lieu of ad valorem taxes with respect to the expansion of certain facilities in the County (collectively, the "Expansion Project"), and (2) other matters relating thereto. Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Britt to adopt a Resolution to certify **Drayton Mill** as a Textile Mill Site under the South Carolina Textiles Communities Revitalization Act. Motion seconded by Mr. Brown and carried.
- F. Motion made by Mr. Britt to render first reading to an Ordinance to add an Uncodified Ordinance to the Code of the County of Spartanburg to certify **Drayton Mill** as a Textile Mill Site under the South Carolina Textiles Communities Revitalization Act. Motion seconded by Mr. Brown and carried.

- G. Motion made by Mr. Britt to adopt a Resolution to certify **Armitage Mill** as a Textile Mill Site under the South Carolina Textiles Communities Revitalization Act. Motion seconded by Mr. Brown and carried.
- H. Motion made by Mr. Britt to render first reading to an Ordinance to add an Uncodified Ordinance to the Code of the County of Spartanburg to certify **Armitage Mill** as a Textile Mill Site under the South Carolina Textiles Communities Revitalization Act. Motion seconded by Mr. Brown and carried.

**Public Health and Human Services Committee** (Honorable Roger Nutt, Chairman)

- A. Motion made by Mr. Nutt to render first reading to an Uncodified Ordinance to grant a Sanitary Sewer Easement to Spartanburg Sanitary Sewer District for the Mountainview Sewer Line Extension Project. Motion seconded by Mr. Mintz and carried.

**Personnel and Finance Committee** (Honorable Dale Culbreth, Chairman)

- A. Honorable Lindsey Brady, III, Spartanburg County Treasurer's Office, presented information in reference to a position reclassification in the Treasurer's Office. Motion made by Mr. Culbreth to approve this reclassification request. Motion seconded by Mr. Nutt and carried.
- B. Updated financial data and personnel vacancy reports were received.

**Livability Committee** – (Honorable Jane Hall, Chairman)

- A. Spartanburg Convention & Visitors Bureau Update was presented by Mr. Chris Jennings, Director, and Dr. Bob Brookover, Clemson University, Department of Parks, Recreation, and Tourism Management. (Presentation included in backup) We have seen roughly a 10% increase in our total Economic Impact on Spartanburg County new tourism.
- B. Mr. Jim Campbell, Interim Parks Director, presented the Parks Enhancement Update. (Presentation included in backup) Mr. Campbell stated that Council has been given Budget Amendment Resolutions on McKinney Park and the Community Parks Assessment and Recommendations for consideration. When the Capital Improvement Plan was passed, the Pacolet Community Park, Inman Sports Complex, Chesnee Community Park, Enoree Community Park, Cowpens Community Park, and Cherokee Springs Nature Park were separate projects. Because they all have some commonality, they have been grouped together in order to get one firm to deal with all of them at one time. This involves no additional funds. It is just reallocating funds that were in the Plan. The Budget Amendment Resolution is needed in order to reallocate those funds.
- C. Information received regarding activities of the Parks Department.

**Public Safety and Judiciary Committee** – (Honorable Michael Brown, Chairman)

- A. Commander Jack Wright, American Legion Post No. 200 presented information in reference to a request from the American Legion Post No. 200 to solicit funds from motorists on Saturday, November 9, 2013 between the hours of 9:30 a.m. and 2:00 p.m. with a rain date of Saturday, November 16, 2013 at Rainbow Lake Road/Entrance and Wal-mart and Lowe's Exits; Double Bridge Road next to Firehouse Subs; Valley Falls Road next to Rite Aide; Intersection of 4<sup>th</sup> Street at McDonalds and Shoally Creek Road at CVS; and Old Furnace Road off Highway 9 at McDonalds Exit and Bi-Lo Plaza Exit. Motion made by Mr. Brown to approve this request. Motion seconded by Mr. Nutt and carried.
- B. Coroner Rusty Clevenger presented information in reference to the Coroner's Office Grant Application. Motion made by Mr. Brown to approve submittal of grant application. Motion seconded by Mr. Nutt and carried.
- C. Ms. Katherine Hubbard, County Administrator, presented information in reference to expanding the part-time staffing at the Communications Center. Mr. Brown stated that in lieu of taking up the actual desired action, the committee has recommended for the consideration of full Council that a feasibility study be conducted and deferred to fellow Council Member, Mr. Culbreth, for the exact language that he would want the full Council to consider in regards to that feasibility study. Motion made by Mr. Culbreth that the Committee and the Administrative Staff enter into an immediate feasibility study to encompass this request and to allow for the study of other matters concerning Communications committed to the Budget to the table for discussion. Motion seconded by Mr. Nutt. Ms. Hall stated she has considered this request and feels the need for employment changes in the Communications/9-1-1 Department has already been assessed and evaluated by our County Administrator and does not see any reason to take additional time in doing a study to determine the feasibility of this employment need when we all know the need exists. Mr. Britt stated that he has heard Ms. Hubbard's points and Mr. Culbreth's motion and can see both sides of this. Mr. Britt stated that we have a serious problem, and the Fire Chiefs have been very patient. Mr. Britt recommended taking 30 days to do a study. He suggested letting the Administrator and this committee that Mr. Culbreth recommended look at best practices. He does not feel just about adding people will correct the problem. Mr. Britt recommended letting Ms. Hubbard and Mr. Brown's committee come back with a best practices study and recommendation before we spend a quarter of a million dollars in hiring however many people it takes to get it done. Mr. Culbreth amended his motion to limit the feasibility study for 30 days. Amended motion seconded by Mr. Nutt. Mr. Brown asked Ms. Hubbard what she meant when you covered part-time personnel and stated that she would try to do things within the Budget.

Ms. Hubbard stated the Communications Center authorized staffing is three part-time positions, and it is not at all uncommon to have a fixed Budget and allow the Administrator to hire as many part-time individuals for a schedule that we may have interest and requested Council's flexibility to expand the part-time pool to not be limited to just three people. Ms. Hubbard stated that she knows of an individual who is very interested in providing part-time assistance, but because of the Budget personnel authorization, she does not have the ability to do that without Council's authorization. Ms. Hubbard requested flexibility within the Budget. The Budget is a total amount for part-time staffing, and if she could be given some flexibility on part-time staffing and to pursue the volunteer reserves, she would like that flexibility. This would allow her to get more people on the roster to be available starting as early as tomorrow, if Council will allow her to do that and to continue to pursue the volunteer reserve program through the Criminal Justice Academy. Mr. Brown asked Ms. Hubbard if this is something that she will be directly involved with from a day to day perspective or week to week. Ms. Hubbard gave Mr. Brown her commitment. Mr. Britt stated there is a Fire Chiefs meeting scheduled tomorrow night and suggested getting two representatives of the Fire Chiefs, the Sheriff, our Administrator, Mr. Brown, and if need be the Public Safety and Judiciary Committee, and let that be part of this taskforce, not so much of a feasibility study. Mr. Nutt stated that he would like to take Ms. Hubbard's recommendation to increase the part-time pool and give her the ability to make those changes on a day-to-day basis when needed and requested that Mr. Culbreth amend his motion to add this request. Mr. Culbreth amended his motion to allow Katherine the flexibility to do what needs to be done as far as part-time help as long as it does not exceed our Budget. Amended motion seconded by Mr. Nutt. Mr. Horton stated that from what he understands Mr. Culbreth's motion is a 30-day assessment period and to allow the County Administrator to expand her part-time pool to allow more flexibility. Mr. Brown stated that he saw a direct invitation from the Fire Chiefs and is going to attend their next meeting. He stated that he has heard from the Sheriff and would also like to talk with the Fire Chiefs. Mr. Mintz asked Ms. Hubbard if this will start addressing the situation at 8:00 in the morning. Ms. Hubbard stated that she does know of someone who is interested in being part of our part-time roster, and she would like to communicate to that individual that we are very interested in having them be part of that roster. Our team does need to have some flexibility to take some leave and to attend to their health, and she would like to give them that opportunity by expanding our pool. Motion carried. Mr. Horton opposed. Mr. Brown and Ms. Hall did not record a vote.

- D. Ms. Katherine Hubbard, County Administrator, presented information in reference to the acquisition of additional property adjacent to the Emergency Medical Services (EMS) facility on Union Street. Motion made by Mr. Brown to authorize the County Administrator to enter into contract

for the purchase of the property adjacent to the EMS facility. Motion seconded by Mr. Culbreth and carried.

- E. Mr. Jim Hipp, Deputy County Administrator, presented information in reference to leasing property for the Department of Juvenile Justice (DJJ) across from the Courthouse. Motion made by Mr. Brown to authorize the County Administrator to enter into lease with option to purchase property located at 200 Library Street. Motion seconded by Mr. Culbreth and carried.
- F. Updated information received regarding activities of Building Codes Department.

**Land Use Committee** (Honorable Jeff Horton, Chairman)

- A. Updated Planning Department Reports on Development Activity were received.

**Public Works, Buildings and Grounds Committee** (Honorable O'Neal Mintz, Chairman)

- A. Ms. Katherine Hubbard, County Administrator, presented information in reference to policy relative to County providing public assistance at Convenience Centers. Ms. Hubbard requested Council's support to allow Ms. Hubbard to relax our existing policy and allow the County Staff to provide assistance to elderly and disabled individuals who may visit our stations to assist them with removing household garbage and recyclables from their vehicles. Motion made by Mr. Mintz to grant our Administrator this opportunity and action. Motion seconded by Mr. Britt and carried.
- B. Updated information received regarding activities of the Public Works Department.

VI.

Mr. Jerry Parris, lifelong resident of Spartanburg, Founder and Chairman of the South Carolina Fast Pitch Softball Association, appeared in opposition to doing away with the ballpark at Berry Field. Ms. Hall stated that no decision has been made at this time, and we will be asking for community input soon. Ms. Hall stated that she would like for Mr. Parris to talk with the consultants.

VII.

- A. Motion made by Mr. Britt to render third reading to an Ordinance to amend the Unified Land Management Ordinance (ULMO), Ordinance No. 0-99-15, as amended, so as to amend Sections 3.14 and 3.15 to include all Fuel Products in the requirements for Bulk Storage and Distribution of Petroleum;

to update standards and safety requirements, including minimum setbacks from other uses and site capacity limits for Bulk Storage of Fuel Products, Asphalt Terminals, Asphalt Plants, and Off-Site Hazardous Chemical Storage; to better describe the site plan requirements and the application approval process for Bulk Storage of Fuel Products, Asphalt Terminals, Off-Site Hazardous Chemical Storage, and Asphalt Batch Plants; to add Section 3.28 Asphalt Batch Plants so as to distinguish between the requirements for Asphalt Terminals under Section 3.14 and Asphalt Batch Plants; to amend Section 4.06-3 to provide non-conforming use provisions for Bulk Storage and Distribution Facility for Fuel Products; to amend Article 6 to add and to clarify certain associated definitions; and to update Table 3. Motion seconded by Mr. Nutt and carried.

- B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing (1) the execution and delivery of a Fee In Lieu of Tax and Incentive Agreement between Spartanburg County, South Carolina (the "County") and **FedEx Ground Package System, Inc.**, (Project Fischer), acting for itself and for one or more affiliates or other project sponsors (the "Company"), whereby the County shall covenant to accept certain negotiated fees in lieu of ad valorem taxes in connection with the establishment of certain facilities in the County (the "Project"); (2) the benefits of a Multi-County Industrial or Business Park to be made available to the company and the project; and (3) other matters relating thereto. Motion seconded by Ms. Hall and carried.
- C. Motion made by Mr. Britt to render second reading to an Ordinance consenting to an assignment by **NURRC, LLC** to **INTERNATIONAL RECYCLING GROUP (SPARTANBURG), LLC** of all rights and obligations under a fee in lieu of tax agreement between NURRC, LLC and Spartanburg County dated December 4, 2007, as amended on November 23, 2009; the provision of an infrastructure credit; and other matters related thereto. Motion seconded by Mr. Nutt and carried.
- D. Motion made by Mr. Britt to render second reading to an Ordinance to consent to the amendment of the **City of Woodruff, South Carolina Tax Increment Financing Plan** so as to extend the term of the plan and the term of bonds issued thereunder; to authorize the execution and delivery of an Intergovernmental Agreement between the City of Woodruff and Spartanburg County; and other matters related thereto. Motion seconded by Ms. Hall and carried.
- E. Motion made by Mr. Britt to render second reading to an Ordinance to amend Ordinance No. O-99-014, as amended, relating to the Joint County Industrial and Business Park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. (**FedEx Ground Package System, Inc.**) Motion seconded by Mr. Brown and carried.



XIII.

- A. Motion made by Ms. Hall to adopt a Resolution authorizing the Delinquent Tax Collector of Spartanburg County to transfer property to the Spartanburg County Forfeited Land Commission. Motion seconded by Mr. Britt and carried.
- B. Motion made by Mr. Britt to ratify fully executed documents entered into by Spartanburg County with the Town of Lyman, the City of Wellford, Spartanburg Sanitary Sewer District and SEW-Eurodrive, Inc. Motion seconded by Mr. Nutt and carried.
- C. Motion made by Mr. Culbreth to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by **John M. Brown** from dusk until 1:00 a.m. on October 4, 5, 11, 12, 18, 19, November 1, and 2, 2013; and from Dusk to 10:00 p.m. on October 13, 20, 24, 27, 30, and 31, 2013 for Nightmare Hollow Haunted Trail at 3411 Reidville Road. Motion seconded by Mr. Mintz. Mr. Mintz stated that Council stops Mr. Greer at midnight every night, and he thinks Council needs to be consistent on weekend nights and go ahead and let Mr. Greer start asking for 1:00 a.m. instead of midnight if needed. Motion carried.
- D. Motion made by Mr. Britt to approve an Application for special Public Event Exclusion from the Noise Ordinance requested by **Timothy C. Jones** from 6:00 p.m. until 2:00 a.m. on October 4-6, 11-13, 18-20, 24-November 3, 2013 for Wompus Woods, an Outdoor Haunted Trail, at 231 Parris Road, Cowpens. Motion seconded by Mr. Culbreth. Motion made by Mr. Mintz to amend this to be consistent and ask Mr. Jones to close by 10:00 p.m. on Sunday night and by 1:00 a.m. on Friday and Saturday nights. Motion seconded by Mr. Brown. Amended motion failed. Mr. Britt, Mr. Culbreth, Mr. Nutt, and Mr. Horton opposed. Motion made by Mr. Nutt to approve application as submitted. Motion seconded by Mr. Britt and carried.

IX.

All resolutions, ordinances, agreements, petitions and related documents which were read and approved by Council at this meeting for the financing of certain industrial or similar revenue bonds or notes, are incorporated in these minutes by reference as if fully set forth herein. The reference is to all such documents showing execution by the county on the date of this meeting included in the office of the Clerk of Court for Spartanburg County.

X.

- A. The following Budget Amendment Resolutions were provided to County Council. Budget Amendment Number 14068 authorizes the conversion of slot T15, Account Technician (Grade 45), in the Treasurer's office to a Chief

Administrative Assistant (Grade 82). Budget Amendment Resolution Number 14069 eliminates three part-time slots in 9-1-1 Communications to create a part-time/temp help pool. Budget Amendment Resolution Number 14071 accepts the donation of a side-by-side Utility vehicle (R.T.V.) from a private company to the Coroner's Office. Budget Amendment Resolution Number 14072 sets up the grant revenue and expenditures awarded to the Sheriff's Office from the Department of Justice – JAG. The grant is for the purchase of point of view cameras for patrol deputies. Budget Amendment Resolution Number 14073 corrects the expenditure line items for the Local Emergency Management Performance Grant (LEMPG) set-up in August through Budget Amendment Resolution Number 14040. Budget Amendment Resolution Number 14074 changes the scope of Capital Improvement Plan project County Servers and Software Upgrade (IT0006) as well as transfers funding from Desktop and Portable Computer Replacement (IT0011) to IT0006. Budget Amendment Resolution Number 14075 recognizes additional funding, from the Parks Fund Balance, to establish a Parks Enhancement Project that will focus on identifying the primary safety issues in our parks and addressing them; (2) recognizes Hospitality Tax Fund Balance to fund additional improvements at Cleveland Park & Berry Field, essentially advancing components for Berry Field that were planned for FY 14/15 in the CIP; (3) recognizes Parks Fund Balance to fund an allocation to the City of Woodruff for McKinney Park; (4) recognizes Parks fund balance to allow for items 1 & 3; and (5) recognizes Hospitality Tax Fund Balance to allow for item 2. Budget Amendment Resolution Number 14076 sets up the revenue and expenditures for the Mary Black Foundation Grant to the Spartanburg County Parks Department for the Cleveland Park Playground. Budget Amendment Resolution Number 14077 recognizes the remaining grant funds from the FEMA Narrowbanding grant written by Boiling Springs Fire Department on behalf of Spartanburg County. Budget Amendment Resolution Number 14078 (1) closes project PS0008, 9-1-1 Responder Text Notification and transfers the remaining balance to a new capital project as outlined. The 9-1-1 Responder Text Notification project was originally funded in FY 2012, however due to technology and pricing changes, no funds have been expended. A revised version of the project will be resubmitted in a future CIP for funding consideration. (2) recognizes \$64,796 from Fund Balance in the 9-1-1 Phone System fund and a corresponding transfer expenditure account will be established to transfer funds to the Capital Improvement Project fund for the capital project. (3) A total of \$110,000 derived from the funding sources outlined above will allow for the establishment of a new capital project. The new capital project will be entitled "9-1-1 CPE System Upgrade" and expenditures will be funded at \$110,000 for a scope of services.

Motion made by Mr. Britt to adopt Budget Amendment Resolutions provided to Council. Motion seconded by Mr. Nutt and carried.

XI.

Motion made by Mr. Britt to approve the minutes of August 15, 2013 (Regular Meeting) and August 19, 2013 (Special Meeting). Motion seconded by Mr. Culbreth and carried.

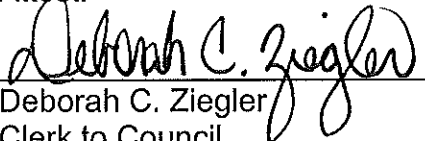
XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:   
Jeffrey A. Horton, Chairman

Attest:

  
Deborah C. Ziegler  
Clerk to Council